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2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA

4 * * *

5 UNITED STATES OF AMERICA,

6 Plaintiff,

7 v.

8 JENNIFER NOEL SAMPIERI,

9 Defendant.

Case No. 2:10-cr-00125-PMP-LRL

AMENDED ORDER¹

10 The matter before the Court is to clarify the order of restitution previously entered
11 as part of the Judgment in a Criminal Case ("Judgment") (ECF No. 18), sentencing held
12 on July 6, 2010. Upon further review of the restitution order in this matter, the restitution
13 should have been made payable to the Federal Deposit Insurance Corporation ("FDIC")
14 and not JP Morgan Chase ("JPMC"). Accordingly, this order directs payment of restitution
15 to be made to FDIC and not JPMC, and any payment already made to be forwarded to
16 FDIC.

17 Defendant Jennifer Noel Sampieri was found guilty of bank fraud committed
18 against Washington Mutual Bank ("WMB") during her employment with WMB as an
19 Assistant Manager between approximately June 12, 2006, and September 15, 2008.
20 (ECF No. 4 at 1; ECF No. 7 at 8; ECF No. 18 at 1.) Defendant obtained at least
21 \$863,479.87 in WMB's assets and was ordered to pay restitution in that amount. (ECF
22 No. 7 at 8; ECF No. 18 at 5.)

23 The Judgment directed restitution payment to be made to JPMC when the payee
24 should have been FDIC based on a Purchase and Assumption Agreement ("the
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27 ¹The Court amends its prior order (ECF No. 19) to indicate that payment already
28 made should be forwarded to FDIC rather than returned to FDIC.

1 Agreement").² The Agreement governs the terms of JPMC's purchase of the assets of
2 WMB from FDIC upon its closing of WMB, which occurred on September 25, 2008.³ As
3 relevant here, Schedule 3.5 of the Agreement provides that any claim or judgment against
4 WMB's employees or former employees arising on or before WMB's closing is not part of
5 the assets transferred to JPMC under the Agreement. (See Agreement at 37 (Schedule
6 3.5(2).) Under the Agreement, the restitution from Defendant should be directed to FDIC.

7 It is ordered that Defendant shall make restitution to the payee listed below:

8 Name of Payee: FDIC

9 Amount of Restitution: \$863,479.87

10 Total Amount of Restitution ordered: \$863,479.87

11 Any funds already paid should be forwarded to FDIC.

12 DATED THIS 5th day of September 2019.

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15 MIRANDA M. DU
16 CHIEF UNITED STATES DISTRICT JUDGE
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24 ²The Court takes judicial notice of the Agreement as it is available on the FDIC's
25 website at https://www.fdic.gov/about/freedom/washington_mutual_p_and_a.pdf. See
26 *Disabled Rights Action Comm. v. Las Vegas Events, Inc.*, 375 F.3d 861, 866 n.1 (9th Cir.
27 2004) (explaining that a court may take judicial notice of a government agency's records
and other undisputed matters of public record under Fed. R. Evid. 201); *Eagle SPE NV
1, Inc. v. S. Highlands Dev. Corp.*, 36 F. Supp. 3d 981, 986 n.6 (D. Nev. 2014) (taking
judicial notice of document on the FDIC's website).

28 ³The effective date of the Agreement is September 25, 2008. (See Agreement at
1.)